

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MIMEDX GROUP, INC. and SEAN
MCCORMACK,

Plaintiffs,

v.

SPARROW FUND MANAGEMENT LP,
A/K/A “AURELIUS VALUE”; VICEROY
RESEARCH; JOHN FICHTHORN; BR
DIALECTIC CAPITAL MANAGEMENT,
LLC, and DOES 1-10, inclusive,

Defendants.

Case No. 1:17-cv-07568 (PGG) (KHP)

NOTICE OF SUPPLEMENTAL FILING

PLEASE TAKE NOTICE THAT, upon the December 1, 2017 hearing before the Honorable Katherine H. Parker, United States Magistrate Judge for the United States District Court for the Southern District of New York, Plaintiff MiMedx Group, Inc. (“MiMedx”) files the instant Notice of Supplemental Filing. Attached hereto as “Exhibit A,” shows a recent communication between a MiMedx shareholder and Defendant Viceroy Research (“Viceroy”) and received by MiMedx on Thursday, November 30, 2017. Therein, Viceroy engages with this MiMedx shareholder through direct message on Twitter.com and states that it looks forward to “a cocktail” when “[Parker “Pete” H.] Petit is in prison.” Mr. Petit serves as CEO and Chairman of the Board of MiMedx. This recent contact with a MiMedx shareholder further highlights the need for the requested expedited discovery and indicates Viceroy’s lack of regard for this Court or the pending litigation against it by continuing to directly contact shareholders to make defamatory statements about and against MiMedx. Moreover, while it continues to act outside the reach of this Court, Viceroy’s tortious conduct is plainly in furtherance of the pleaded conspiracy between Defendants Sparrow Fund Management, LP A/K/A “Aurelius Value,” John

Fichthorn, and BR Dialectic Capital Management, LLC. Thus, MiMedx submits this Notice of Supplemental Filing to further aid the Court in deciding the pending Motion for Expedited Discovery. [Dkt. No. 14.]

Dated: November 30, 2017

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